

HONORABLE WHITMAN L. HOLT

JAMES L. DAY (WSBA #20474)
RICHARD B. KEETON (WSBA #51537)
BUSH KORNFELD LLP
601 UNION STREET, SUITE 5000
SEATTLE, WA 98101
Tel: (206) 292-2110
Email: jday@bskd.com
Email: rkeeton@bskd.com

HEARING DATE: Friday, February 19, 2021
HEARING TIME: 10:00 a.m. PST
LOCATION: TELEPHONIC
RESPONSES DUE: AT TIME OF HEARING

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re

KING MOUNTAIN TOBACCO
COMPANY, INC.,

Debtor.

No. 20-01808-WHL11

DEBTOR'S PROPOSAL FOR
SCHEDULE OF HEARINGS ON
PLAN CONFIRMATION

Debtor King Mountain Tobacco Company, Inc. (the "Debtor"), debtor in possession, having consulted with counsel for (i) the United States on behalf of the Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau; (ii) the United States on behalf of the United States Department of Agriculture, Food and Drug Administration; Small Business Administration; and Bureau of Indian Affairs; and (iii) the States of Indiana, South Carolina and New York, proposes the following schedule for the court's consideration of the Debtor's proposed Plan of Reorganization:¹

¹ On December 31, 2020, the Debtor filed its *Debtor's Plan of Reorganization* (Dkt. No. 156) (the "Initial Plan") and its *Disclosure Statement for Debtor's Plan of Reorganization* (Dkt. No. 155) (the "Initial Disclosure Statement"). Since that time, the Debtor has filed black-lined drafts of a Debtor's First Amended Plan of Reorganization and First Amended Disclosure Statement for Debtor's Plan of Reorganization as exhibits to the *Declaration of Richard B. Keeton Regarding Amendments to Disclosure Statement and Plan of Reorganization* (Dkt No. 185), but has not filed anything to officially amend and supersede the Initial Plan and the Initial Disclosure Statement, but will do so following the February 19, 2021 hearing.

- An initial hearing is set about 45 days out. This hearing would serve one of three purposes. First, it can be for presentation of agreed forms of a Plan and Confirmation Order if the parties are able to achieve that result. Second, if by then it is known that there will be no need for an evidentiary hearing, the initial hearing can be for oral argument on the remaining legal issues. Third, even if an evidentiary hearing becomes necessary, the court and the parties can use the initial hearing to resolve any remaining legal issues.
- An evidentiary hearing, if necessary, would be set for about 30 days after the initial hearing.

Counsel for the TTB indicated that TTB needed to do some third-party discovery (to the Debtor's knowledge, the TTB has not yet begun that process) and requested a more open-ended schedule, whereby no hearing would be set until 30 days after the completion of such discovery. While the Debtor understands the TTB's concerns, the Debtor believes the proposed schedule allows for plenty of opportunity to complete limited discovery and meaningfully participate in the confirmation process.

DATED this 17th day of February, 2021.

BUSH KORNFELD LLP

By /s/ James L. Day
James L. Day, WSBA #20474
Richard B. Keeton, WSBA # 51537
Attorneys for the Debtor in Possession